



December 8, 2000

Ms. Janice Mullenix  
Associate General Counsel  
Texas Department of Transportation  
125 E. 11th Street  
Austin, Texas 78701-2483

OR2000-4636

Dear Ms. Mullenix:

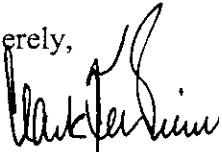
In the ruling request to our office at issue in Open Records Letter No. 2000-4342, the Comptroller of Public Accounts (the "Comptroller") argued that information the Comptroller obtained from a database maintained by the Texas Department of Transportation ("TXDOT") was excepted from disclosure under the Public Information Act (the "Act") by virtue of Section 730.004 of the Transportation Code. We rejected that argument, concluding that this provision does not apply to the Comptroller, because the Comptroller itself is not an agency that compiles or maintains motor vehicle records. See Transp. Code Section 730.003(1). Accordingly, in Open Records Letter No. 2000-4342, we ruled that, except for license plate and vehicle identification numbers, which are protected by Section 552.130 of the Government Code, the Comptroller must release the requested information.

TXDOT now asks us to reconsider that ruling, contending that it has a property interest in the information at issue and that such "highly sensitive personal and private information" is excepted from disclosure under the Act. TXDOT did not submit any arguments to our office during the pendency of the ruling request at issue, because, we are told by TXDOT, the Comptroller did not provide TXDOT with notice that the information at issue had been requested and advise TXDOT of its rights under the Act to submit arguments to our office as to why the information should not be released. See Gov't Code § 552.305.

For the record, we have made every effort to advise governmental bodies holding information the release of which might implicate the property interests of third parties (including other governmental bodies) of their obligation to advise such parties that the information at issue has been requested and of their right to submit arguments to our office in opposition to the release of the information. Our widely distributed 2000 Public Information Handbook, our Web site, [www.oag.state.tx.us](http://www.oag.state.tx.us), and a special notice all make these points clearly. Copies of same (or relevant portions thereof) are enclosed herewith for your information.

Given the circumstances explained to us by TXDOT, we are sympathetic with its request for reconsideration. However, an amendment to the Act effected during the last legislative session prohibits us from reconsidering rulings. *See* Gov't Code § 552.301(f). Therefore, we decline to reconsider Open Records Letter No. 2000-4342.

Sincerely,



Clark Kent Ervin  
Deputy Attorney General-General Counsel

CKE/er

Ref: ID# 143383

Encl: Section 552.305 information

cc: Ms. Ruth H. Soucy  
Deputy General Counsel  
Open Government  
Comptroller of Public Accounts  
P.O. Box 13528  
Austin, Texas 78711-3528  
(w/ enclosures)

Ms. Karen Kay Kristopher  
Surrogate Legal Search  
5161 San Felipe, Suite 320  
Houston, Texas 77056  
(w/ enclosures)